

REMARKS

The Applicants have carefully reviewed and considered the contents of the Examiner's Office Action mailed April 25, 2002. Reconsideration is respectfully requested in view of the foregoing Amendment and the comments set forth below.

By this Amendment, claim 10 is amended as suggested by the Examiner. Accordingly, claims 8-11 are pending in the instant application.

Claim 10 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons set forth in paragraph 3 of the Action. As stated above, claim 10 has been amended to incorporate the change suggested by the Examiner so that it clearly identifies the code as "the another code". Accordingly, it is respectfully submitted that claim 10 is fully definite under 35 U.S.C. § 112, second paragraph and withdrawal of that rejection is requested.

Claims 8-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,488,629 to Takahashi et al. (hereinafter referred to as Takahashi) for the reasons set forth in paragraph 5 of the Action.

The Takahashi patent application was filed on February 17, 1994. The instant application is a continuation of Application No. 09/337,40³7, which was filed on June 21, 1999 seeking ³7,407 reissue of U.S. Patent No. 5,677,292. That patent issued on October 14, 1997 on Application No. 08/272,156 filed on July 8, 1994, as duly-stated on page 2 of the application. U.S. Patent No. 5,677,929 claimed the priority of Japanese Application No. 5-1999013, which was filed on July 16, 1993 well in advance of the Takahashi filing date. In addition, Applicants' filed a Claim For Priority in the instant application on June 25, 2001 requesting that this application be given the benefit of the foreign filing date under the provisions of 35 U.S.C. § 119 of Japanese

Application No. 05-199013, filed July 16, 1993. Applicants noted in their June 25, 2001 submission that a certified copy of the Japanese application is of record in their Application No. 08/272,156, filed July 8, 1994, now U.S. Patent No. 5,677,922. Submitted herewith is an English translation of Japanese Application No. 05-199013 together with a statement certifying that this translation is accurate. As acknowledged on the first page of the April 25, 2002 Office Action, Applicants have made the claim for foreign priority under 35 U.S.C. § 119(a)-(d) and the U.S. Patent and Trademark Office has received a copy of the priority document.

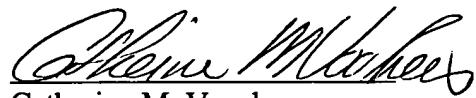
It is respectfully submitted that the attached certified translation of priority document Japanese Patent No. 05-199013 satisfies the enablement and the description requirement of 35 U.S.C. § 112, first paragraph as this document contains substantially the same subject matter of that of the instant U.S. application. Accordingly, it is believed that Takahashi is not available as a reference because the certified translated priority document perfects the July 16, 1993 filing date and thus, antedates the Takahashi reference.

Since the sole rejection to the claims is made by the Takahashi reference, it is respectfully submitted that the rejection is no longer valid. In view of the antedation of the Takahashi reference, it is submitted that claims 8-11 are patentable over the art of record and that the application is in condition for allowance. Applicants respectfully request an early and favorable consideration of the application.

Should the Examiner believe that a conference would advance the prosecution of this application, he is requested to telephone the undersigned counsel.

Respectfully submitted,

Date: August 26, 2002



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 10 has been amended as follows:

10. (Amended) A method for use in a CDMA code (division multiple access) communication system for transmitting information, said method comprising the steps of:

- (a) multiplying a code selected from a set of orthogonal codes by another code to obtain a spreading code; and
- (b) using, as the another code in step (a), a predetermined pseudo-random noise code or the pseudo-random noise code shifted in phase.